

conveyances were acknowledged or proved, or in which they [39] shall be acknowledged or proved; and all such deeds and conveyances are hereby declared effectual and valid, in law, to all intents and purposes, as though the same acknowledgment had been taken, or proof of execution made, within this territory, or in pursuance of the laws thereof; and such deeds and conveyances so acknowledged or proved as aforesaid, may be admitted to be, and shall be, recorded in the respective counties in which such lands, tenements or hereditaments, do or may lie.

SEC. 2. Of deeds, etc., heretofore executed in other states, etc. That all deeds and conveyances of lands, tenements and hereditaments, situate, lying, and being within this territory, which have been acknowledged or proved within any other territory, state or country, according to and in compliance with the laws and usages of such territory, state or country, and which deeds or conveyances have been recorded within this territory, be and the same are hereby confirmed and declared effectual and valid, in law, to all intents and purposes, as though the said deeds or conveyances so acknowledged or proved and recorded, had, prior to being recorded, been acknowledged or proved within this territory.

SEC. 3. Prima facie evidence. The execution and delivery of any deed of conveyance of any lands, tenements or hereditaments, in any court of law or equity in this territory, shall be considered prima facie evidence of its execution and delivery; and the party denying the same, his agent or attorney, shall deny the same by his oath or affidavit, when the party introducing such deed shall prove the execution and delivery as in other cases.

Approved January 13, 1841.

CHAPTER 48.

AN ACT to establish a territorial road from Burlington to the mouth of the Des Moines river.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Commissioners—route of road—proviso—discretion vested in commissioners. That John Hillis, William Wilson, of the county of Lee, and John C. Fletcher, of the county of Des Moines, be and they are hereby appointed commissioners to locate and mark a territorial road from Burlington on the nearest and best route to Loyd's ford; thence to Fort Madison; thence to Montrose; thence to Keokuk; and thence to the mouth of the Des Moines river: provided, said commissioners shall, in all instances, choose the nearest and best routes between the several points specified; and if they shall find, upon a careful examination, that Loyd's ford is not a suitable place for the road to cross, they may select one more convenient and suitable; and if they shall find the mouth of the Des Moines river not to be a proper point, in consequence of low [40] and marshy lands, they shall terminate the road as near to its mouth as a proper place can be ascertained.

SEC. 2. Meeting of commissioners, etc. The commissioners aforesaid, or any two of them, shall meet at Fort Madison on the first Monday in February next, to proceed to the discharge of their duties, and may adjourn from day to day as circumstances shall require; and in case said commissioners, or any two of them, shall fail to meet on the day appointed, then the sheriff of Lee county is hereby authorized and required, on the application of any of said commissioners, either written or verbal, to notify, in writing, said commissioners, of

some other time to be by him appointed, and request their attendance on such day, at the place aforesaid.

SEC. 3. Pay of commissioners. Each of said commissioners shall receive two dollars and fifty cents per day, for his services, while engaged in laying out said road.

SEC. 4. Repealing section. That an act entitled "An act to establish a territorial road from Burlington to Keokuk," etc., approved July 27, 1840, be and the same is hereby repealed.

Approved January 13, 1841.

CHAPTER 49.

AN ACT to amend an act concerning executions, approved January 25th, 1839.

Be it enacted by the Council and House of Representatives of the Territory of Iowa:

SECTION 1. Execution returnable in seventy days—proviso. That all executions hereafter issued from any of the courts of record of this territory, shall be made returnable within seventy days from the date of the same: provided, that when said execution is directed to an officer of any other county than that in which the same is issued, there shall be one additional day for every twenty miles, calculating the distance from the county seat of the county from which said execution is issued to the county seat of the county into which the same is directed.

SEC. 2. Of executions in hands of sheriffs. That all executions in the hands of any sheriff or other officer, the same having been issued from any of the courts of record of this territory, the officer having said executions shall be required to return the same to the proper officer on or before the first Monday in April next, (except in cases in which the same is sooner returnable by the command of said execution.)

SEC. 3. Sheriff to give notice of sale of real estate, etc. That any sheriff or other officer levying an execution upon any real estate, shall, previous to the offering the same for sale, give at least four weeks notice of the time and place of such sale, by posting up written advertisements thereof, in four of the most public places in the county in which such real estate may be [41] situated; and previous to selling any personal estate on execution, the sheriff, or other officer levying thereon, shall give at least fifteen days' notice of the time and place of such sale, by posting up written notices of the same at three of the most public places in the county in which such sale may be made.

SEC. 4. Repealing section. That the fifth section of the act to which this is an amendment, be and the same is hereby repealed.

SEC. 5. When to take effect. This act to take effect and be in force from and after its passage.

Approved January 13, 1841.